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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,204	02/05/2001	Jack Ray Caughran	50001-10200	3037

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Patent Docket
Jenner & Block LLP
One IBM Plaza
Chicago, IL 60611

EXAMINER

CHO, UNC

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,204

Applicant(s)

CAUGHRAN ET AL.

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 20 is withdrawn in view of the newly discovered reference(s) to Fitch et al. (US 6,424,840). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,6 – 12, 16 – 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunko et al. (US 6,553,236) in view of Fitch et al. (US 6,424,840).

Regarding claim 1, Dunko teaches: A) receiving a request from an affinity group member for geographical zone data for the remote members (Col. 9, lines 19 – 21), wherein the request includes: addressing information (Col. 9, line 27), which inherently includes a mobile subscriber identifier that is associated with the remote members; and a present location of remote members that identifies a type of predetermined geographical area (Col. 9, lines 31 – 32); and B) returning a reply to the request, wherein the reply includes: location place-name that identifies a current geographical area where the mobile subscriber unit is located (Col. 7, lines 39 – 41) and the current geographical area has the present location of remote members included in the request (Col. 9, lines 31 – 32). However,

Dunko fails to teach a geographical layer interface receiving a request; a zone manager coupled to the geographical layer interface receives the request; a location manager coupled to the zone manager delivers a location of the mobile subscriber unit as determined by a position determination equipment, and the zone manager uses the location of the mobile subscriber unit and a database of zone data to determine the zone identifier. In contrast, Fitch teaches a location system (Fig. 2, 84) (geographical layer interface) receiving a request, a location based zone assignment system (Fig. 2, 52) (zone manager) coupled to the location system, a location based zone assignment system, inherently having a location manager, determines the location of the mobile subscriber unit (Fitch, Col. 7, lines 12 – 14), and the location based zone assignment system uses the location of the wireless communication device and a current network topology to determine the operating zone the wireless communication device is operating during the call (Fitch, Col. 8, lines 49 – 56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Fitch to Dunko to provide an improved location data provisioning and management in a wireless communication network through the use of dynamic location-based zone assignment for a wireless communication network that substantially reduces or eliminates difficulties that may deter full implementation of certain applications or result in errors or application downtime in adapting to the changing wireless communication network.

Regarding claim 2, Dunko as modified by Fitch teaches a network ID that identifies the mobile switching center serving the subscribers (Col. 3, lines 62 – 64).

Regarding claim 6, Dunko as modified by Fitch teaches the remote members comprising one of a cellular phone, pagers, and personal digital assistants (Col. 3, lines 13 – 16).

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 6.

Regarding claim 8, Dunko as modified by Fitch teaches the present location of remote members identifies one of a shared location place-name description (Col. 8, lines 19 – 23).

Regarding claim 9, Dunko as modified by Fitch teaches the present location of remote members comprises a request to create a new location place-name description (Col. 8, lines 26 – 27).

Regarding claim 10, Dunko as modified by Fitch teaches the reply includes a location place- name description with the present location of remote members (Col 7, lines 59 – 65).

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 17, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 20, Dunko as modified by Fitch teaches a Mobile Position Center (Dunko, Col. 4, line 64 through Col. 5, line 1) that receives a request for geographical zone data for a mobile subscriber unit, wherein the request includes:

an addressing information (Dunko, Col. 9, line 27), which inherently includes a mobile subscriber identifier that is associated with the remote members; a present location of remote members that identifies a type of predetermined geographical area (Dunko, Col. 9, lines 31 – 32); and wherein the Mobile Position Center (Dunko, Col. 4, line 64 through Col. 5, line 1) returns a reply to the request, wherein the reply includes: location place-name that identifies a current geographical area where the mobile subscriber unit is located (Dunko, Col. 7, lines 39 – 41) and the current geographical area has the present location of remote members included in the request (Dunko, Col. 9, lines 31 – 32). Dunko as modified by Fitch also teaches a location system (Fig. 2, 84) (geographical layer interface) receiving a request, a location based zone assignment system (Fig. 2, 52) (zone manager) coupled to the location system, a

location based zone assignment system, inherently having a location manager, determines the location of the mobile subscriber unit (Fitch, Col. 7, lines 12 – 14), and the location based zone assignment system uses the location of the wireless communication device and a current network topology to determine the operating zone the wireless communication device is operating during the call (Fitch, Col. 8, lines 49 – 56).

4. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunko in view of Fitch as applied to claim 1 above, and further in view of Serbetciouglu et al. (US 5,719,918).

Regarding claim 3, Dunko as modified by Fitch fails to teach that the request is a transaction control application protocol message and the reply is a transaction control application protocol message. However, Serbetciouglu teaches the request and reply is done by Transaction Capability Application Part (TCAP) protocol (Serbetciouglu, Col. 1, lines 28 - 33). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Serbetciouglu to Dunko to provide a method and apparatus using the existing short message signaling mechanisms of a cellular telephone network to exchange information between a plurality of POS terminals, destinations or sources in a secure environment and also to respond to query from a terminal in a timely fashion.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 3.

5. Claims 4, 5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunko in view of Fitch as applied to claim 1 above, and further in view of Jampolsky et al. (US 6,625,437).

Regarding claim 4, Dunko as modified by Fitch fails to teach that the request is received over one of a Internet protocol network and a signaling system seven network and the reply is returned over one of a Internet protocol network and a signaling system seven network. However, Jampolsky teaches the request is received over one of a TCP/IP and a SS7 network and the reply is returned over one of a TCP/IP and a SS7 network (Jampolsky, Col. 4, lines 64 – 67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Jampolsky to Dunko to provide a wireless telecommunications network that is operable to collect and report data relating to the status and use of a wireless phone or other telecommunication device in rear real-time in response to data collection requests made by subscribers or other authorized persons.

Regarding claim 5, Dunko as modified by Fitch teaches that the request is received via a message defined by a GSM standard (Dunko, Col. 3, lines 19 – 22).

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2682

UC 6/2/04


LEE NGUYEN
PRIMARY EXAMINER